



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 3663-99

15 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 6 September 1977. Your record reflects that on 22 June 1979 you received nonjudicial punishment (NJP) for a 14 day period of unauthorized absence (UA). The punishment imposed was forfeitures totalling \$200, reduction to paygrade E-3, and restriction for 30 days.

Your record also reflects that on 27 and again on 29 February 1980 you received NJP for two incidents of possession of marijuana. On 3 March 1980 you received your fourth NJP for three periods of UA totalling 133 days and disobedience. The punishment imposed was an oral admonition and reprimand, restriction and extra duty for 45 days, and forfeitures totalling \$400. Shortly thereafter, you refused to undergo drug rehabilitation treatment.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civil authorities. You then waived your rights to consult with legal counsel, to present your case to an administrative board, and

requested immediate execution of your discharge. Shortly thereafter, the discharge authority directed your commanding officer to issue you a general discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities, and on 3 March 1980 you were so discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, prior honorable service, and your contention that you would like your discharge upgraded to honorable now that you have been rated by a Veterans' Affairs office. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge given the serious nature of your frequent misconduct, which resulted in four NJPs, and your refusal of rehabilitation treatment for your drug related misconduct. The Board noted that there is no evidence in your record, and you submitted none, to support your contention of any medical conditions. Given all the circumstances of your case, the Board concluded your discharge proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director